

AMENDED IN ASSEMBLY MARCH 22, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 239

Introduced by Assembly Member DeSaulnier
(Principal coauthor: Assembly Member Mullin)
(Principal coauthor: Senator Torlakson)

January 31, 2007

An act to add Section 27361.10 to the Government Code, relating to recording fees.

LEGISLATIVE COUNSEL'S DIGEST

AB 239, as amended, DeSaulnier. Recording fees: Contra Costa ~~County~~; and San Mateo Counties.

Existing law establishes the fees to be charged by the county recorder for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded. Existing law, including provisions of the California Constitution, subject local governmental agencies to various requirements when imposing, increasing, or extending general or special taxes, fees, and other local exactions.

This bill would authorize the Contra Costa County Board of Supervisors *or the San Mateo Board of Supervisors* to additionally ~~charge \$1 for each page after the first page~~ *charge a flat fee of not more than \$25, as specified for each document* that is recorded, *if the document is in excess of one page*, for every real estate instrument, as defined, paper, or notice required or permitted by law to be recorded in Contra Costa County *or San Mateo County*. The bill would require the Contra Costa County Board of Supervisors *or the San Mateo County Board of Supervisors*, if it charges this fee, to establish a fund for deposit of the moneys raised by the increase, which shall be used to assist in

the development of affordable housing for very low income households, lower income households, and moderate-income households.

This bill would make legislative findings and declarations as to the necessity of a special statute.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27361.10 is added to the Government
2 Code, to read:

3 27361.10. (a) In addition to any other recording fees specified
4 in this code, the Contra Costa County Board of Supervisors *or the*
5 *San Mateo County Board of Supervisors* may increase the fee for
6 recording every real estate instrument, paper, or notice required
7 or permitted by law to be recorded in Contra Costa County *or San*
8 *Mateo County*, except those expressly exempted from payment of
9 recording fees. The additional fee, if authorized by the Contra
10 Costa County *or San Mateo County* Board of Supervisors, shall
11 ~~not exceed one dollar (\$1) per page for each page following the~~
12 ~~first page of the recorded document.~~ *be a flat fee, in an amount*
13 *not to exceed twenty-five dollars (\$25), for each recorded document*
14 *in excess of one page. When it can be readily determined that*
15 *multiple documents relate to one transaction, the authorized fee*
16 *shall only be charged once.*

17 (b) (1) All moneys raised pursuant to subdivision (a) shall be
18 deposited in an account established by the Contra Costa County
19 *or San Mateo County* Board of Supervisors, if it authorizes the
20 additional fee, to be used to assist in the development of affordable
21 housing for very low income households, lower income households,
22 and moderate-income households.

23 (2) For purposes of this section, the following definitions apply:

24 (A) "Very low income household" means a household whose
25 income does not exceed the very low income limits applicable to
26 Contra Costa County *or San Mateo County* adjusted for household
27 size, as published and periodically updated by the State Department
28 of Housing and Community Development pursuant to Section
29 50105 of the Health and Safety Code.

30 (B) "Lower income household" means a household whose
31 income does not exceed the lower income limits applicable to

1 Contra Costa County *or San Mateo County*, adjusted for household
2 size, as published and periodically updated by the State Department
3 of Housing and Community Development pursuant to Section
4 50079.5 of the Health and Safety Code.

5 (C) “Moderate-income household” means persons and families
6 whose income does not exceed the moderate income limits
7 applicable to Contra Costa County *or San Mateo County*, adjusted
8 for household size, as published and periodically updated by the
9 State Department of Housing and Community Development
10 pursuant to Section 50093 of the Health and Safety Code.

11 (c) All moneys raised pursuant to subdivision (a), after deduction
12 of ~~any actual~~ *reasonable* and necessary administrative costs
13 incurred by ~~Contra Costa County~~ *the county clerk-recorder*, shall
14 be used only to help finance the construction, rehabilitation, or
15 purchase of housing for very low income households, lower income
16 households, and moderate-income households and to fund any
17 local matching contributions required pursuant to federal law.

18 (d) Housing constructed with funds made available pursuant to
19 this section shall meet at least one of the following requirements:

20 (1) Be housing located within the urban limit line.

21 (2) Be multifamily with an average density of at least 14 units
22 per acre.

23 (3) Be designed in a manner that complements existing
24 neighborhoods, promotes social interaction, is pedestrian friendly,
25 and allows for the potential for mixed use.

26 SEC. 2. The Legislature finds and declares that there are unique
27 circumstances concerning the need for developing more affordable
28 housing for very low income households, lower income households,
29 and moderate-income households in Contra Costa County *or San*
30 *Mateo County* necessitating the enactment of the procedures
31 contained in this act. It is therefore declared that a general law
32 cannot be made applicable within the meaning of Section 16 of
33 Article IV of the Constitution, and that the enactment of this act
34 as a special law is necessary.